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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

STEPHEN CHAPMAN,

**Plaintiff,**

v.

# HORACE MANN PROPERTY & CASUALTY INSURANCE COMPANY.

**Defendant.**

Case No. 2:24-cv-10546  
District Judge:

**NOTICE OF REMOVAL OF ACTION  
UNDER 28 U.S.C. § 1441**

[Filed concurrently with Declaration of Kristin Ingulsrud; Declaration of Matthew Rubin; Civil Cover Sheet; Notice of Interested Parties]

**State Complaint Filed:** October 24, 2024  
**Removal Filed:** December 6, 2024

**TO THE HONORABLE COURT, PARTIES, AND COUNSEL OF RECORD:**

Defendant Horace Mann Property and Casualty Insurance Company (“Horace Mann”) hereby removes this action from the Superior Court of the State of California, County of Los Angeles, where it is currently pending as Stephen Chapman v. Horace Mann Property & Casualty Insurance Company, Case No. 24STCV27909 (“State Action”), to the United States District Court for the Central District of California.

Removal is warranted under 28 U.S.C. §1441(b) because the Court has subject matter jurisdiction under 28 U.S.C. §1332 over the State Action. Under 28 U.S.C.

1 §1332(c)(1), full diversity exists among the parties, as evidenced by the states where  
 2 Horace Mann is incorporated and maintains its principal place of business (Illinois)  
 3 and where Plaintiff Stephen Chapman resides (California). The amount in controversy  
 4 exceeds the sum of \$75,000.

5 This Notice of Removal is timely because it is filed within thirty days after  
 6 service of a copy of the Summons and Complaint of the State Action upon Horace  
 7 Mann, which occurred on November 8, 2024.

8 Under 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders in the  
 9 State Action received by Horace Mann are attached to the Declaration of Kristin  
 10 Ingulsrud as Exhibit A.

11 Pursuant to 28 U.S.C. § 1446(d), a Notice to State Court of Removal of Action  
 12 to Federal Court, together with this Notice of Removal, will be served upon Chapman  
 13 on December 6, 2024, and will be filed in the State Action.

#### **BACKGROUND**

15 On October 24, 2024, Plaintiff Chapman commenced the State Action. On  
 16 November 14, 2024, he filed a First Amended Complaint. listing purported causes of  
 17 action titled (1) Breach of Contract, (2) Bad Faith Denial of Insurance Benefits, (3)  
 18 Fraud and Intentional Misrepresentation, (4) Negligent Misrepresentation, (4)  
 19 Negligent Misrepresentation, (5) Breach of Fiduciary Duty, (6) Malfeasance, (7)  
 20 Oppressive Conduct, (8) Violation of California Insurance Code § 662, (9) Violation  
 21 of California Business & Professions Code§ 17200, (10) Intentional Infliction of  
 22 Emotional Distress (IIED), and (11) Negligent Infliction of Emotional Distress  
 23 (NIED).

#### **GROUNDS FOR REMOVAL**

25 This Court has subject matter jurisdiction over the State Action under 28 U.S.C.  
 26 §1332, which confers upon the “district courts . . . original jurisdiction of all civil  
 27 actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive  
 28 of interest and costs, and is between . . . citizens of different States[.]”

## **AMOUNT IN CONTROVERSY**

The allegations and claims in the First Amended Complaint seek recovery for alleged losses after Horace Mann, because of Plaintiff's non-payment of premium, canceled an automobile policy with bodily injury liability limits of \$100,000 per person/\$300,000 per accident, property damage liability limit of \$100,000 per accident, medical payments limit of \$5,000 per insured, UM/UIM bodily injury limits of \$100,000 per person/\$300,000 per accident, collision coverage, other-than-collision coverage, and other coverages. In addition to benefits from the non-existent policy, the First Amended Complaint seeks compensatory damages and lost wages caused by the absence of insurance, emotional distress damages, punitive damages, and attorney's fees and costs. It therefore appears that Plaintiff will be seeking an amount in excess of \$75,000.00<sup>1</sup>, although Horace Mann's position is that Plaintiff is entitled to nothing because Horace Mann acted lawfully and properly, including meeting the notice requirements. See Ingulsrud Decl., Exh. A; Declaration of Matthew Rubin, Exh. 1.

# **DIVERSITY OF CITIZENSHIP**

17 Plaintiff is an individual residing in the County of Los Angeles, State of  
18 California. See Ingulsrud Decl., Exh. A, First Amended Complaint.

19 Defendant Horace Mann is a corporation organized and existing under the laws  
20 of the state of Illinois, with its principal place of business in Springfield, Illinois.  
21 Horace Mann is, and was at the commencement of the State Action, a resident and  
22 citizen of the state of Illinois and of the United States. See Ingulsrud Dec., Exh. A,  
23 First Amended Complaint.

24 //

<sup>28</sup> <sup>1</sup> Horace Mann reserves all rights, including without limitation its right to contest the quantum of damages sought by Chapman.



## **CERTIFICATE OF SERVICE**

I hereby certify that on the 6<sup>th</sup> day of December, 2024, I served the foregoing document described as **NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. 1441** via email and U.S. Mail, on the interested parties in this action as follows:

**STEPHEN CHAPMAN, IN PRO PER**  
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I declare under penalty of perjury under the laws of the United States of America  
that the foregoing is true and correct and that I am employed in the office of a member  
of the bar of this Court under whose direction the service was made.

Executed on December 6, 2024, at Houston, TX.

/s/ Connie Spears